

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Mail Processing Network
Rationalization Service Changes, 2012

Docket No. N2012-1

PRESIDING OFFICER'S RULING
CONCERNING DESIGNATION OF RECENTLY FILED
DISCOVERY RESPONSES INTO THE RECORD

(April 3, 2012)

During the March 20, 2012 hearing to enter the Postal Service's direct case into the evidentiary record, participants were notified that instructions would follow prescribing the procedures for designating certain Postal Service discovery responses for inclusion in the record. Tr. 2/55.

The pertinent discovery responses fall into three broad categories related to the Postal Service's direct case: (1) late received (or unintentionally omitted) initial discovery responses; (2) late received (or unintentionally omitted) follow-up discovery responses; and (3) discovery responses received for the purpose of developing intervenor's testimony (this discovery closes on April 6, 2012). Notices for the purpose of designating these categories of material for inclusion into the evidentiary record may be filed until the close of business on April 26, 2012.¹ When designating material, it is not necessary to identify material by category.

¹ To allow for the efficient processing of designation packets and sufficient time for the receipt of late filed and updated responses, parties are asked to not file notices of designation prior to April 23, 2012. The Commission may designate supplemental material on April 27, 2012.

Notices shall clearly identify the responding witness (or institutional) and the specific responses designated for that witness. In a departure from Commission practice of requesting individual notices for individual witnesses, parties may file a single notice of designation provided that the designations are clearly identified by responding witness.²

When a party designates written cross-examination, a designation packet shall simultaneously be submitted to the Commission's Dockets Section containing two hard copies of each designated document (single-sided, unstapled and not hole-punched), separated by witness (or institutional). If the designation packet contains materials from more than one witness, the material shall be separated by witness with the responding witness identified for each separation.

The Commission will organize the designated material in a manner suitable for publication. The organized material will be available at the Commission's Dockets Section window for review by the Postal Service and any other interested participant on May 3-4, 2012. As is standard practice, the Postal Service may make clerical corrections to the designated material as necessary.

The Postal Service is further provided the opportunity to object to, or correct, any designated material until the close of business May 4, 2012. The absence of any timely objection shall be interpreted as indicating the Postal Service has reviewed the designated material and affirms that the designated responses are the responses of the United States Postal Service or its witnesses in Docket No. N2012-1.

Once the designated material is in order, the Commission shall create a transcript volume containing the designated material.

The opportunity is available for participants to hand carry late filed or unintentionally omitted discovery responses to the May 9, 2012 hearing, and by motion request the hand carried material be entered into the evidentiary record at that time. Please use this approach in lieu of filing any late motions for designating material.

² See Attachment to P.O. Ruling N2012-1/35, March 19, 2012, for an acceptable format.

Related motions. On March 22, 2012, Greeting Card Association (GCA) filed a motion requesting leave to designate interrogatories GCA/USPS-T3-41 and 44 (redirected to the Postal Service) into the evidentiary record. These interrogatories appear in the record at Tr. 6/2271-74.³ The motion is moot.

On March 22, 2012, GCA also filed a motion requesting leave to designate interrogatories GCA/USPS-T3-20, 21, 22, 23, 34, 40, 42, 45, 46, 48, 49 into the evidentiary record.⁴ These interrogatories appear in the record at Tr. 4/1434-44. The motion is moot.

On March 26, 2012, American Postal Workers Union filed a motion requesting leave to designate multiple interrogatories into the evidentiary record.⁵ The motion is denied without prejudice to refile in conformance with the procedures set forth in this Ruling.

RULING

1. Notices for the purpose of designating the discovery material described in the body of this Ruling for inclusion into the evidentiary record may be filed until the close of business on April 26, 2012.
2. Designation packets will be available at the Commission's Dockets Section window for review on May 3-4, 2012.
3. Postal Service objections to any designated material shall be filed by the close of business on May 4, 2012.

³ Greeting Card Association Motion for Leave to Submit Supplemental Designation of Institutional Responses, March 22, 2012.

⁴ The Greeting Card Association Motion for Leave to Submit Supplemental Designation of Written Cross Examination, March 22, 2012.

⁵ American Postal Workers Union, AFL-CIO Motion for Leave to Submit Supplemental Designation of Written Cross-Examination, March 26, 2012. See *also* American Postal Workers Union, AFL-CIO, Notice of Designation of Written Cross-Examination for the Record, March 26, 2012.

4. The Greeting Card Association Motion for Leave to Submit Supplemental Designation of Institutional Responses, filed March 22, 2012, is moot.
5. The Greeting Card Association Motion for Leave to Submit Supplemental Designation of Written Cross Examination, filed March 22, 2012, is moot.
6. The American Postal Workers Union, AFL-CIO Motion for Leave to Submit Supplemental Designation of Written Cross-Examination, filed March 26, 2012, is denied without prejudice.

Ruth Y. Goldway
Presiding Officer